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The Discussion of Recent Cases

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James R. Hemingway, '30..... Editor

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THE DISCUSSION OF RECENT CASES.

That the ability to find the law is more important than knowledge of law is often claimed and sometimes true. The law student far too infrequently develops in himself such ability. To say "develops in himself" is correct, because a familiarity with legal bibliography is attained by a student only through the exercise of his own initiative. The more intensively this initiative is applied, the more readily and more fully will such familiarity be acquired. True, a student may take upon himself a curricular study of this subject, but, even with the impetus of a designed course, little benefit can be derived without a self-originating interest.

This semester, the College has embarked upon a new plan—new, and, consequently, experimental here, although it is not new in the field of legal education. The faculty, realizing the merits of a form of study designed to develop initiative in the student, will select from among the advance reports a number of recent decisions of the state supreme courts and of the Federal courts having some importance or general interest. The salient point in each decision will be given to a senior or graduate student as a subject of research, and he will be expected to determine whether the decision is in line with the weight of authority. In determining this, he is not to make a hasty survey of one digest. Since the law is so largely determined according to the peculiar facts of each case, accepting a statement of law from a digest without referring to the case from which the law is abstracted involves the danger of jump-

ing at conclusions. Thus, the student will be expected not only to assemble his authorities, but also to refer to each case for which he finds a citation in order to make certain that it is pertinent to his subject.

The result of this research will be reduced to writing in the form of a condensed article. The faculty member, in whose field the subject-matter of the article falls, will review the student's work, and, if he approves it, it will appear in the section of the REVIEW headed "Important Late Decisions." This is not the first edition in which this section has appeared, but it is the first time the students have prepared the material.

The benefit which the students will derive from this original work should lie not only in a development of familiarity with legal bibliography and the knowledge to be acquired on the particular subject of the decision, but also in a stimulation of interest for further research. Incidentally, original thinking will not be discouraged. If the student sees fit, after he has discovered the weight of authority on a point, he may criticize the decision which was the subject of his study either favorably or adversely.

The success to be attained from this method of study should appear in the earnestness with which the students take up the new plan, in the thoroughness with which they acquire their experience, and in the quality of their articles, each succeeding set of which, it is hoped, will show an improvement over the preceding one.